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EXTRACTS FROM COMMITTEE REPORTS AND OFFICIAL ADDRESSES

PRESIDENT JOHN DEWEY, 1915.— Some have expressed to me fear lest attention to individual grievances might crowd out attention to those general and constructive matters which are the Association's reason for existence. Let me say for the reassurance of any such that none of the officers of the Association, least of all those who have been overwhelmed by the duties incident to these investigations, regard this year's work as typical or even as wholly normal. The general report of the committee of fifteen was, indeed, definitely contemplated in the plan of the year's work. The investigations of particular cases were literally thrust upon us. To have failed to meet the demands would have been cowardly; it would have tended to destroy all confidence in the Association as anything more than a talking body. The question primarily involved was not whether the Council should authorize the investigation of this or that case, but whether the Association was to have legs and arms and be a working body. In short, as conditions shaped themselves for us, I personally feel that the work done on particular cases this year turned out to be of the most constructive sort which could have been undertaken. While a succession of incidents like those at Utah, Montana, Colorado and Pennsylvania was wholly unexpected (and, let it be hoped, never to be repeated), it may well be doubted whether any cut-and-dried, predetermined plan of "constructive" work would have been equally effective in shaking a multitude of things together and making an Association on paper into a working unity with a mind and movement of its own. Incidentally, the detailed information secured was of great assistance to the general committee in shaping its report on principles and its program of policy; while the improvements in rules as to appointment and dismissal since made in three of the institutions where inquiries have taken place are of themselves evidence of constructive work. I do not say that the existence and work of the society has been the sole or chief agency in effecting these improvements, but I will say that in my judgment it has had a sufficiently definite share in them to justify, apart from any other considerations, the first year's existence of this Association.

Bulletin, December, 1915.

PRESIDENT J. H. WIGMORE, 1916.—Academic freedom and tenure is a world-old theme. All through the ages runs the problem of freedom of speech. Socrates was executed for frankness of speech; he was, as he himself said, "that gadfly which God has given the State, always fastening on you, arousing and persuading and reproaching you." Those who are offended by public utterance seek to suppress those whom the spirit moves to utterance. The several interests involved give rise to distinct forms of the problem,—the freedom of one citizen to defame another, the freedom of military and civic officers to discuss the public business, the freedom of the citizen to criticise the government, the freedom of the scientist to dispute truths accepted by the multitude.

Academic freedom, then, is not a problem to be solved in a year or in ten years by this Association or by any other. Immediate Utopia cannot be hoped for. We must patiently proceed to formulate our own views of the needs of our own time, and must then endeavor to impress these views on the community at large. Our function is to build up a sound public opinion. More than this we should not and do not yet attempt to do, through this Committee.

I wish to repudiate the notion that this Association is an occupational union, which seeks to defend its members by a "We Don't Patronize" list, or by any other form of coercion. Its only means of influence is publicity, and thereby an appeal to the common sense of justice.

Publicity is the method by which our Special Committees of Inquiry gain their effect. Their primary service is to establish the facts, and then to publish them. Most of these controversies involve some serious issue of fact; and when an impartial body settles that issue, the judgment that is to be passed will usually be a unanimous one for all fair-minded persons.

That these Special Committees of Inquiry represent an impartial body, thoroughly judicial in spirit, and trustworthy in methods, must by now be obvious to all. The General Committee's rules for their method of investigation form an admirable system for this unique judiciary. The five Reports thus far printed are weighty documents, which would do credit to any judicial court in the world; and their findings must convince all readers that no more impartial and competent tribunal could be found for such cases.

But these inquiries made *after* the fact, which gain their effect by publicity only, may often be replaced by private inquiries, made *before* any public break, and directed to the private use of advice and conciliation for preventing a rupture. During the year, the president of a certain university telegraphed me that a serious case was impending, and that my advice given on the ground would be appreciated. I requested the chairman of the General Committee to proceed to the university for the purpose. He did so. It turned out that no genuine case of violation of academic freedom was involved; but his advice assisted all parties to reach an appropriate settlement. This seems to me the ideal way in which the services of this Association can often be used preventively. If all university authorities could show the same confidence in the function of this Association, we could more frequently illustrate the adage that an ounce of prevention is worth a pound of cure.

The General Committee's report for 1915 offered some "Practical Proposals," which have been communicated to the presidents of several hundred institutions, with a request for their consideration by the boards of trustees or regents. But I point out here that those well-formulated proposals deal only with the procedural part of the subject; they do not touch what the lawyers would call the "substantive law" of the subject. That is, they formulate rules for the giving of a hearing to the professor, and for employing other measures of fair and cautious procedure, before action upon the issue of dismissal; but they do not formulate any definition of the kind of defect or conduct which is to form just ground for dismissal. *E. g.*, assuming that professional incompetence is a just ground, and that the tenor of personal professional views uttered on any subject is *not* a just ground, a main problem is to define the various classes of utterances which are not to be treated as amounting to professional incompetence. This is the most difficult part of the Committee's problem, and will continue to engage its labors.

One feature of it only must here be pointed out; and it is this: There is too much inclination (for all who discuss the subject) to forget that the prime object must be to *protect the competent and unoffending scholar* in his freedom of utterance, and that for this purpose we must *fully expect to have to bear with a few* who are obviously offensive or injudicious. We must guarantee the former's peace of mind; and must, therefore, forbear to discipline occasional instances

of the latter. For the moral effect of penalties in such cases extends to the whole body of competent scholars, and tends to close their mouths for safety's sake. Most of the discussion published seems to assume that the only question can be as to the merits of the utterances of the alleged offender; and this is certainly a gross error. For a single penalty inflicted on only one in a hundred of the academic body serves as a virtual gag to the other ninety-nine, regardless of the actual demerits of the party penalized. No sound rule, therefore, can ever be devised unless it is based on the purpose of securing peace of mind for the body of unoffending scholars, and not merely on the specific desirability of suppressing this or that actual offender. The legal immunity of the judge from all civil liability for his utterances is here a powerful analogy.

The place of the Committee on Academic Freedom in the work of this Association was by circumstances made so prominent in the first year of its labors that public repute gave it an undue emphasis,—as if that Committee were uniquely representative of what this Association proposed to do. I feel bound, therefore, to point out the error signified by such an opinion. This Association exists for *all* the purposes involved in advancing the common interests of university education in this country. It is a sort of federal clearinghouse for university problems. These problems are multifold; and we shall take up as many as can be labored upon at any one time. The Committee on Academic Freedom bears no larger importance in the mass of our work than does the so-called grievance committee in a bar association or a medical association. We have already eighteen working committees, each representing a subject of work with its problems. We wish it to be known at large that the Association is devoting itself to no one exclusive task, but to any and all that are germane and pressing.

Bulletin, November, 1916.

ANNUAL MEETING, 1916.¹—In the course of this work the Committee has come to feel that new methods of procedure should be developed for the effective handling of certain types of cases. If cases that come up are important enough to justify a thoroughgoing and detailed investigation, these cases have to be put into the

¹ In the absence of Professor A. A. Young, Chairman of Committee A, extracts from a letter of his were read at the meeting. From these the above quotations are made.

hands of sub-committees, and it is unfair to call upon those who are willing to do such service for a disproportionate amount of their time and energy. Moreover, by publishing a detailed analysis and formal findings in the case of every complaint that is made, we should be likely to weaken rather than strengthen our influence. The cases selected for investigation should be those which involve fundamental questions of general principle, and preference should be given to those which involve problems of a new sort, not covered in previous cases. Neither the Association nor its Committee can constitute itself a court for the trial of every educational institution in the country which is thought to have transgressed proper rules of academic freedom and academic tenure. Our work will have a more effective influence if we concern ourselves primarily with the establishment of proper standards and only secondarily with the question of remedying individual cases of injustice. It rarely happens that anything the Association can do can be of much direct service to the injured parties. It will achieve most if it tries to bend its forces toward making repetitions of the kinds of offenses that have occurred in the past impossible.

It frequently happens, moreover, that the essential facts of a case are not in dispute. In such instances the only good that a formal investigation could accomplish would be through the wholesome effect of the publicity given the offending institution. There ought to be some simpler and equally efficient way of bringing the Association's influence to bear. In several instances this year, once by vote of the Committee, the chairman has written to the president of the college or university, calling his attention to our General Report on Academic Freedom and Academic Tenure and indicating the way in which a certain specific action on the part of his institution has contravened the principles and standards set forth in that report. In this correspondence special emphasis has been put upon the desirability of the adoption of a proper procedure for passing upon the question of the competency of a teacher whose dismissal on grounds of incompetency has been proposed. Although the replies from college and university presidents have been courteous and conciliatory, and although the chairman is distinctly of the opinion that since the organization of the Association substantial progress has been made towards the standards for which the Association stands, yet there is reason to believe that this method of personal suggestion

is not wholly satisfactory. A better procedure, possibly, would be the publication in the *BULLETIN*, without comment, of a statement of material facts agreed to by both parties to a controversy.

The Committee has not found it desirable to prepare a general report this year, for it has felt that more experience should accumulate before an attempt is made to supplement the admirable general report presented a year ago by the previous Committee on Academic Freedom and Academic Tenure. There are indications, however, that when another general report is made it will have to deal more specifically and concretely with formal matters of academic tenure as distinguished from matters of academic freedom. An increasing proportion of the cases brought to the attention of the Committee concern possible infractions of proper standards of academic tenure, and in very few of these is the freedom of academic opinion and utterance in any way involved. In one or two important cases a committee has shown much hesitancy as to the attitude it should take, largely because we have no clearly defined general principles relating to the general conditions of academic tenure.

Bulletin, February, 1917.

PRESIDENT FRANK THILLY, 1917.—It was a deep-seated faith in the high mission of the American university and the conviction that its teachers have responsibilities which they cannot shirk that led to the formation of this Association and still inspires its action. Perhaps I may be allowed, in this connection, to quote from a short address which it was my privilege to make before the first meeting of our Association:

In a certain sense it may be said that this new movement has sprung from the consciousness of our need of a greater freedom, or, rather, let us say, of our need of a larger responsibility, a responsibility that calls for a greater freedom of action in meeting it. Broadly speaking, our organization has for its immediate aim the realization of academic freedom. We do not mean by this noble phrase only the freedom of thought and speech, the freedom of teaching and learning—this is merely incidental to a larger freedom. Nor do we mean by it freedom from restraint, freedom on the part of the individual to do what he pleases, freedom from responsibility; such negative freedom, freedom *from* something, is empty and has no worth, taken merely by itself. Genuine freedom consists in the ability and the will to assume responsibility. The kind of freedom the professorate must seek is not freedom from restraint as such, but freedom from such

restraints as hamper beneficent activity and freedom for realizing the purpose of its being. It cannot be too strongly emphasized that what we desire is not freedom as an end in itself, but freedom as a means of better service, freedom as an indispensable condition of intellectual progress and human well-being. It was faith in this idea that led the Prussian government, after much brutality and arbitrariness, to incorporate into the constitution the article: *Die Wissenschaft und ihre Lehre ist frei*. Although this principle was often honored more in the breach than in the observance, it expressed the growing conviction that freedom in the pursuit and diffusion of knowledge was essential to the welfare and progress of the Prussian people. That it is even more essential to the democracy, whose very life is rooted in a healthy public opinion, ought to be apparent to us all.

The professorate must assume the duties and responsibilities which it is capable of assuming, and it must assume them for the good of the higher institutions of learning which they seek to serve. Our aim has been and will continue to be to bring about better conditions in the academic world; to assist the American university in realizing its true purpose; to do our share in making it an organ of progress and a means of enriching our American life. How far we shall succeed in realizing our ideals will depend upon the loyal coöperation of men and women who have joined our ranks; and it is to these that the new President appeals for support in behalf of our society. . . .

In nearly all the cases of alleged violation of academic freedom which have been brought to the attention of our Committee, the ordinary rules of fair play had been ignored, and the authorities had put themselves in the wrong by an unwillingness to give up their supposed prerogative "to do as they please," without regard to decent procedure. What particularly impresses me in the new cases which have been reported since my induction into office (cases in which the question of academic freedom is not involved) is the seeming disregard of the common principles of justice shown by persons, who, as governors of educational institutions, ought to have set a conspicuous example of fair dealing. All our Committee can do for the present, in instances of this kind, is to establish the facts and then to publish them with its own conclusions, trusting in the beneficent influence of the common sense of justice, which sooner or later will do its perfect work.

Bulletin, February, 1917.

REPORT OF COMMITTEE FOR 1917, A. A. YOUNG, *Chairman*.—In the present report we propose merely to make record of certain conclusions that we have reached as a result of our experience during the past two years, and, in particular, to discuss some of the larger aspects of the general problem of academic tenure.

During these two years over thirty instances of alleged infraction of proper standards of academic freedom or academic tenure have been brought to the attention of the Committee. It has been impossible to undertake a thorough investigation of each of these cases. Selection has been necessary. The Committee cannot claim to have reached any wholly satisfactory principle of selection. But in its own deliberations—preliminary to a decision on the matter of recommending that an investigation be made—it has tried to adhere to a fairly uniform method of procedure. . .

We have already said that the cases investigated are but a small proportion of those brought to our attention, and that we have not been able to hit upon any really satisfactory general basis of selection. Certain it is that there has not been an investigation of every case of which investigation might desirably have been made. Not every case, even, in which there was *prima facie* evidence of a violation of proper standards of academic tenure or of a disregard of proper modes of procedure has been assigned to a committee of investigation. We have sometimes had to appear to be indifferent to a real and valid grievance. But our experience has shown pretty clearly that we can rarely expect to obtain the actual redress of an individual grievance, and we do not believe that we should intervene merely to secure the professional rehabilitation of one unjustly dismissed. There is no evidence that unjust dismissal is likely to lower the general academic rating of a scholar or teacher. We have to look to the future rather than to the past, and to the institution rather than to the individual. Injustice to the individual becomes a matter of wider concern when it indicates a bad institutional situation, marked by the rule of intolerance, or dishonesty, or ignorance and creating an atmosphere of discomfort and unrest. If we can not redress grievances we may uncover the conditions which breed them, and so make their recurrence less likely. . .

In less than a third of the cases brought to our attention have question of academic freedom been involved. But in each case there has been bound up, in one form or another, a problem of aca-

demetic tenure. We fear that there is sometimes a disposition to hold that those cases in which the problem of academic freedom is not directly and immediately visible are of relatively minor importance. But such is not the view of this committee. The general problem of academic tenure is the larger of the two, embracing, indeed, the problem of academic freedom as one of its parts. Academic freedom is as a rule adequately safeguarded when right rules of academic tenure prevail. . .

The real safeguards of academic freedom are the general safeguards of security of academic tenure, and these safeguards consist, in the main, of guarantees of adequate and appropriate procedure. The history of the safeguarding of individual liberties of whatever kind has been the history of the development of procedure. To this general rule the right of academic freedom can be no exception.

But security of academic tenure has other important aspects. Among the alleged grounds of dismissal in the various cases that have come to the attention of the Committee during the past two years have been: inefficiency, untrustworthiness in financial matters, open criticism of one's administrative superiors, refusal to coöperate in the general educational policies of the head of a department or of the administrative authorities of an institution, and the exigencies of an enforced reduction in the salary roll or of a change in the curriculum. It is not necessary here to say which of these things are and which are not adequate grounds of dismissal. Frequently, of course, judgment must depend upon the precise degree and nature of the offense and upon all of its attending conditions. Here, as in the matter of academic freedom, general principles of justice cannot always be counted upon as an immediate and effective solvent of the special difficulties of the particular case in hand. Fundamentally and practically, our reliance must be put on the adoption and use of effective and just methods of procedure, such as were recommended in the general report of the Committee on Academic Freedom and Academic Tenure for 1915, and approved by vote of this Association. The present Committee has used the procedure recommended by the Committee of 1915 as a standard by which to test the adequacy of the procedure actually followed in the various cases of dismissal that have come to our attention. We have also done what we could to secure the wider adoption of this standard procedure, or of some modification or adaptation of it. These efforts

have met, on the whole, with a fair measure of success, and we are encouraged to believe that there will continue to be steady progress towards its general adoption. . . .

But why, it may be asked, should the university or college teacher ask to have safeguards that are not vouchsafed to men in other professions or in business? Why should he refuse to accept the common risk of unemployment? Why should he not step aside when, in the opinion of his administrative superiors, a better man can be secured? Why, in short, should he hesitate to fling his own career into the general competitive struggle for success and for the rewards of success? . . .

To subject the teacher and scholar to all of the risks of the world of competitive enterprise, while withholding from him the chance of its larger pecuniary rewards, is illogical and unfair; and its entire tendency is to dissuade men of ability from entering the academic profession. . . .

Where tenure is insecure, and especially where the power of retention and dismissal is exercised in an arbitrary, capricious, and unjust manner, a premium is put upon the development of petty intrigue and of unworthy methods of securing the favor of the administrative authorities. Men of sound scholarship and high ideals shun positions in institutions where permanency of tenure depends on the continuing favorable judgment of a group of men whose purposes may be praiseworthy but whose judgment is certain to be fallible. The whole situation is one which gives advantages to men of another type: less scrupulous, more apt in petty political manoeuvre, more given to time-serving and to various forms of sycophancy. The atmosphere of an institution in which tenure is precarious is not one in which conscientious teaching and sound scholarship are likely to thrive. A degeneration of the institutional spirit, of general moral tone, may frequently be observed in universities and colleges where reasonable security of tenure has ceased to be guaranteed. . . .

Finally, it should be observed that some of the finest fruits of the life of the teacher and investigator are inseparably bound up with security of tenure. Freedom from time-serving, from the necessity of shaping one's work so that there shall be tangible and frequent evidence, no matter how slender, of one's power of scholarly productivity, freedom to plan one's life around some important investi-

gation calling for prolonged and patient research, freedom from any temptation to sycophancy, freedom for true institutional loyalty,—is it not clear that these are large things, and that the possible abuses of security of tenure are, in comparison, small things? In insisting upon security of academic tenure, this Association is merely insisting that the work of the teacher and investigator shall be given a fair chance to realize its best possibilities.

Bulletin, February-March, 1918.

PRESIDENT A. O. LOVEJOY, 1919.—The coming years, it can hardly be doubted, will be characterized by persistent and intensified controversy between economic groups over the many phases and ramifications of the problems of distribution and industrial organization; and we shall be fortunate if, in the course of these controversies, some of the most vital interests of civilization are not imperilled.

These facts have a special and definite meaning for our profession and for this Association. For it ought to be expected, and it is certainly to be desired, that in such a period of social controversy and class conflict, a considerable influence will be exercised by the men who have given their lives to the study of the social sciences—by a body of experts out of touch neither with affairs nor with popular movements, but habituated to seeing social problems steadily and to seeing them whole, and competent to apply the adequately analyzed lessons of experience to the rational shaping of the future. Such an influence is bound to make on the whole for reasonableness, balance, patience, for the control of social evolution by disinterested and informed intelligence, rather than by empty catchwords or by blundering and lawless cupidities. But the exercise of any measure of such influence by the students of the social sciences—by the economists, the historians, the psychologists, the political and social philosophers—is absolutely dependent upon one condition: that their opinions and utterances be in fact the disinterested and unhampered expression of their own inquiry and reflection, and be known to all men to be such. And this condition, obviously, cannot be fulfilled if the great majority of special students of social problems—who are, in their economic status, employees of institutions of learning—are in any degree dependent for their livelihood or professional advancement upon the conformity of their views or utterances to standards fixed for them either by private donors of funds for edu-

cational purposes, or by the political group which may at any given moment be dominant in the state. The general public is little likely to heed ostensibly "expert" opinions and arguments which it knows—or has plausible grounds for believing—to have been bought and paid for, or to have been delivered under any kind of duress.

It is for this reason that the maintenance of "academic freedom" must be a perennial and essential part of the business of this Association. It is worth while to insist upon this anew, because one sometimes hears within the Association itself murmurings that "there has been too much talk about academic freedom." There can hardly be too much talk about it until the simple and fundamental principles above recapitulated are recognized as axiomatic by all educated persons, especially by all who have anything to do with the management of universities. That these principles are not thus generally recognized is plain. Persons otherwise intelligent may still frequently be heard arguing upon the naïve assumption that, in university affairs, those who pay the piper are entitled to call the tune. Such persons have apparently not yet learned that, by its very essence, a university is an institution in which opinions are not for sale and doctrines are not served to order. They have not even seen that what might be one of the important forces making in the main for intelligence, moderation and order, in the practical solution of social problems, will be reduced to impotence, unless the intellectual independence and the full freedom of utterance of the professional investigator of such problems are effectually guaranteed. Until, then, these considerations become universally accepted commonplaces, it will be needful for us to continue both to reiterate the theory of academic freedom and to insist upon the practice of it.

Both of these tasks require more active coöperation from individual members of the Association than many members realize. Since so considerable a part of the more or less educated public does not yet understand *why* freedom of opinion and of teaching is indispensable to the performance by our profession of certain of its most important and useful social functions, members should take advantage of suitable opportunities for presenting the meaning of the principle, and the arguments for it, in their own communities. And when grave violations of it occur in any institution, it is essential that the members of the local faculty regard the defense of that principle, and of all the weighty interests of the university and of

society which are involved in it, as primarily their own responsibility. There is reason to fear that the organization of this Association has in some degree actually decreased the initiative and the sense of responsibility of faculties, in this respect. Before the Association was established, several serious cases of dismissal for improper reasons were promptly followed by the resignation of many members of the faculties affected. Now, even when gross abuses occur, there is a tendency to leave the whole matter to the Association. But, valuable as investigations by committees of inquiry are, and potent as is the weapon of publicity, in many cases no great improvement of conditions in an institution can be safely counted upon, unless its teachers show plainly that they are prepared to defend the standards of their profession and the permanent interests of the institution, and are ready, upon sufficiently grave occasions, to make all necessary sacrifices in that cause; and unless, also, teachers of good standing elsewhere make it clear that they will not accept positions in institutions in which seriously objectionable conditions exist. Freedom of teaching, like most of the other forms of desirable freedom, is unlikely to be won, or kept, unless those who are its natural guardians possess a certain measure of civil courage.

Yet the defense of the scholar's freedom and intellectual integrity—and thereby of the dignity and the public influence of scholarship itself—is not a task to be performed solely or mainly after critical situations have already arisen. For the first practical requisite in this matter is the establishment of permanent procedural safeguards against illegitimate removals from office—the creation of judicial machinery which shall, so far as any formal contrivance may, render impossible the removal of teachers for improper reasons, while rendering easy the removal of them for proper reasons. The essential means to this end is that every teacher on permanent or indefinite tenure shall, before removal, be assured of a judicial hearing upon specific charges before a representative body composed either of members of the faculty reporting to the board of trustees, or members of the faculty and trustees in equal number, chosen because of their capacity to exercise judicial responsibility. The time to establish these safeguards, where they do not already exist, is *before* the emergency arises which demonstrates their indispensability. If such judicial bodies, with adequate powers, had existed as

accepted features of the internal economy of all American colleges and universities, most of the unhappy incidents which have in late years been the scandal of our republic of letters would in all probability never have occurred.

This, again, is a task which must be carried out chiefly by individual members of the Association acting in coöperation with their colleagues in their own faculties. Some progress in this matter has already been made, but it is less general than it ought to be and might reasonably have been expected to be. Here, too, members too often, as it seems to me, disregard their immediate responsibilities for the establishment of right conditions in their own institution, and rely vaguely upon the national organization to accomplish for them what it cannot either properly or effectively undertake, except in support of locally initiated efforts. It is time that, in every college or university in which such rules of judicial procedure as have been formulated in the two general reports of Committee A have not already been adopted, the members of the local faculty should make it their immediate business to bring about their adoption. It will be highly discreditable to the body of American university teachers, and especially to the membership of this Association, if, within five years from now, this elementary and palpably necessary reform is not realized in virtually all educationally reputable institutions.

In this undertaking, however, enlightened college executives should be not less interested than teachers; and it seems not unreasonable to count upon the active coöperation of many of them. The secretary of the Association has suggested that a conference between representatives of the Council and Committee A and a representative group of college presidents might lead to the formulation of a program which would rapidly obtain general acceptance by local governing boards. There has not been an opportunity during the past year for the carrying out of this suggestion; but I cordially commend it to the favorable consideration of the incoming officers and Council.

Bulletin, November-December, 1919.

COMMITTEE REPORT FOR 1920, F. S. DEIBLER, *Chairman*.—The Committee has given consideration to six cases. One report has been completed and its publication authorized. Two investi-

gations have been ordered and committees appointed. The investigations in these cases are now under way. One application for investigation was denied. One application was of such a character that the chairman of the Committee thought it wise not to bring it before the Committee. The circumstances which led to a dismissal in this case grew out of differences arising during the war. The chairman laid the facts before influential friends of the institution involved and suggested that the problem was really theirs and in justice to the good name of the institution they should assume responsibility for the proper handling of the case. There is one application for an investigation now pending before the Committee.

In only one of these cases is there evidence pointing toward an encroachment upon the principles of academic freedom. The experience of the year, therefore, bears out the past experience of the Committee that the most important issue in college and university administration as it affects the teaching staff in the field covered by this Committee is that of tenure. In all of these cases it was revealed that there had been little or no attempt made to define in advance of a case the tenure of the teaching staff or to set up an orderly procedure to deal with dismissals or demotion. In fact, in one institution, the faculty had defeated a plan to constitute a judicial committee to deal with dismissal cases, thereby putting itself on record as opposed to faculty interference in such cases. The result is that dismissals have been handled solely by the administrative officers. In some of these cases the evidence is convincing that administrative power has been used arbitrarily with the result either that men of force on the faculty have left the institution, thereby depriving it of the influence of strong personalities, or the members of the faculty have been intimidated and terrorized for fear that the voicing of sentiments in opposition to the administrative officers would mean the loss of their own positions.

It is evident, then, from the year's experience that one of the important problems for the college and university faculties is to develop in their respective institutions a set of principles that will insure against the arbitrary exercise of administrative authority, but will, at the same time, allow of an effective weeding out of inefficient and unworthy members among their own numbers. An orderly procedure should also be formulated in the respective institution for the effective operation of principles thus agreed upon.

Unless the members of the faculties desire that some such rules and machinery be adopted, it becomes increasingly difficult for an outside association to develop any general reform along these lines.

Another matter of general interest is the acceptance by an institution of a gift for the specific purpose of controlling the teaching of the chair thus endowed. No self-respecting instructor will accept a position where his freedom of research and teaching is thus encroached upon. The acceptance by the trustees of a college or university of such a gift clearly takes that institution out of the class of colleges and universities in the accepted meaning of these terms and places it in the class of those engaged in propaganda activities. To regard the teacher as a hired man or a salesman and to lay out the doctrines which he must teach is contrary to the most fundamental principles of academic freedom and should be frowned upon by all who have regard for the untrammelled promotion of truth.

Bulletin, January-February, 1921.

COMMITTEE REPORT FOR 1921, F. S. DEIBLER, *Chairman*.—The report from Committee A is in two parts. The first part presents the facts found in an investigation which the Committee was requested to make. The second part reviews the activity of the Committee during the past year, with an expression of certain opinions which the chairman has formed during his two years' experience with the problems of the Committee.

PART I

The Council requested Committee A to investigate the extent to which the principles of academic freedom set forth in the reports of the Association and the procedure in dismissal cases approved by the Association have become accepted by the institutions throughout the country. The Council wished to find out how much effort had been put forth by the Local Chapters in securing the acceptance of the standards approved by the Association. . . .

Certain conclusions seem apparent from the information that has come to the Committee in the form herein indicated.

1. There has developed a considerable faculty influence in the control of appointments and dismissals in the institutions studied. Among these are both large and small institutions; both state and endowed institutions. It would seem from the replies that there has

been less attention in state than in endowed institutions. Certainly the most completely organized plans of procedure for exercising faculty influence in protecting professional standards of academic freedom and tenure appear in endowed institutions. The problem is more difficult to deal with in a state university on account of the legal relations, and this may explain the difference found.

2. The principles set up by this Association are gradually becoming recognized as reasonable standards to be attained. An examination of the statutory provisions that have been adopted in recent years will clearly reveal internal evidence of familiarity with the declarations of this Association on the points covered.

The identical phrases appear in some of these documents that are found in the pronouncements of our Association. It would seem, then, that gradually and with no blare of trumpets the Association has been a potent influence in formulating an opinion in respect to the proper professional standing of the instructional staff of our colleges and universities; in determining what protection is necessary to promote research and the promulgation of truth; what procedure in terminating contractual relations is in keeping with the vital interests of the teacher or research student, and the dignity of the institution. Evidence appears to show that members of the profession frown on incompetency and inefficiency and that faculty members have shown fearlessness in taking the initiative to remove incompetent and inefficient teachers. It is evident that the right to participate in the determination of policies affecting the interests of the faculty will carry with it responsibilities not previously assumed. There cannot be authority without responsibility.

3. Finally, the evidence shows that while Local Chapters in a number of institutions, but not in all, have taken an active part in bringing about the results above described, in a great majority of the instances studied the Chapters have not been as potent an influence as the effective formulation of standards by the Association. There has been a large degree of inactivity on the part of the Chapters. Whether this can or should be otherwise is not part of the purpose of this investigation. Judged by the replies received, no other conclusion can be drawn.

The replies suggest one possible means by which the Local Chapter can become more effective. In a good many of the returns and from

other letters received, it is evident that the local members are not familiar with the previous reports of the Association nor at all times with the work which the various committees are attempting to do. Members who have joined the Association since the earlier reports were made, are probably unacquainted with the pronouncements of the Association on the many questions that have come before it. The Local Chapter is a convenient medium by which this information, whether found in previous reports or contained in the work of current committees, can be brought to the attention of the local members. Discussion of these matters, especially in their adaptation to local situations, will tend to create an interest and aid in developing a public opinion among the members of the profession, from whom the educating influences on general public opinion pertaining to these questions of such vital interest to the profession must come.

PART II

The following summary of the activities of Committee A during the past year is presented. The Committee has had presented to it during the year but four new cases. One of these was voluntarily withdrawn, one has received the sanction of the Committee for an investigation, and two are under consideration.

Two pending reports have been completed, and approved, by the Committee, and advanced for publication. In one of these reports, the action of the institution was upheld, while in the other the verdict of the Committee was that a serious mistake was made by the institution and an injustice done the men involved. A third report is in the hands of the Chairman and will be presented to the Committee as soon as certain preliminary correspondence can be had and an agreement reached on certain details of the report.

In two of the new cases there appears to be a question of a violation of academic freedom. From the point of view of the Association, these cases should furnish a basis for careful discrimination in the use of the principles laid down in the previous pronouncements on this subject.

The method of handling such cases presents a real problem for the Association. Our present method is as follows: A case reaches the attention of the chairman of Committee A, who makes such preliminary investigation as he thinks wise. Usually documents

are submitted by the party affected, but these may be colored by his personal interests. Statements concerning the case made by friends are likely to be biased. Correspondence with the administrative officers of the institution often adds a different story. From these sources the chairman has to decide whether or not an investigation is warranted.

Then the case is presented to the Committee, which is composed of fourteen or fifteen members distributed from one end of the country to the other; with the request for a vote authorizing an investigation. By the time this vote of the Committee is taken, a considerable time has elapsed. Then the chairman of Committee A must secure a group of men willing to undertake the investigation. In making this selection two principles have been followed. First, the investigating Committee should represent different fields of learning, thus bringing the question at issue under the scrutiny of men with different training and problems. It has been thought greater confidence would be given to reports that were convincing to men accustomed to deal with different educational questions. The second principle has been to find either a chairman or some member of the sub-committee sufficiently near the institution involved that first-hand investigation may be made without drawing too heavily upon the funds of the Association.

The burden of the investigation falls upon the chairman of the sub-committee. He collects the facts, formulates the report, and then submits the same to his colleagues on this Committee. When agreement is reached the report comes back to the chairman of Committee A, who is supposed to scrutinize it to make sure that the procedure of investigation approved by the Committee has been followed and to see if the report conforms in the main with the principles of the Association. He then must lay before Committee A a statement of conclusions, with certification that the report has been made in accordance with approved rules, and with a request for authorization to publish. A practice has grown up in connection with the publication of these reports that the sub-committee of investigation alone is responsible for the facts contained in the report. It is apparent, therefore, that the real responsibility for these reports and the real work done on them is by the chairman of the investigating Committee and the Chairman of Committee A. It is also apparent that of necessity a very long time will elapse between the case

and the report. From the point of view of the man, this is frequently a very annoying situation. From the point of view of the Association interested in developing a sound public opinion in regard to the questions of tenure and academic freedom, the time element is not of so much concern. The fact that the trustees and administrative officers of an institution have had to face a concrete case and think of the issues involved creates the atmosphere in which the educating influences of the Association can best be made effective. As the result of every case there has been a wide circle of educating influence. The discussion of the case has touched a much larger group of persons than those immediately affected. But to the man the method is slow and unsatisfactory.

Consequently there is a real problem here for the Association. If a method can be devised which will shorten materially the time between a case and the report of this Association it would be helpful. It is also a question whether the administrative officers should not be brought more closely into connection with these investigations, so that the issues raised by the individual cases may be brought to bear on the principles for which the Association is to stand.

The suggestions made by the Secretary of our Association appearing in the December, 1920, issue of the *Educational Review* appear to me to have much merit in them. The results found in the investigation contained in Part I of this report add to my conviction that something along this line can be profitably undertaken by this Association. The influence of accepted codes is powerful. Hence I wish to embody the suggestions of Secretary Tyler in this report as a basis for further discussion by this Association.

"1. An acceptable standard code of what academic freedom means and of what it does not mean should be worked out by collaboration of the parties in interest. The university teachers are now in a position to do this as never before through the Association of University Professors, with its membership of 3500 and its five years' varied experience in dealing with specific problems. The administrative agencies have no single organization, but would be representable by the Association of American Universities, the Association of American Colleges, etc.—or more completely by the American Council on Education. A code once well established would be gradually extended and perfected by actual experience in applying it.

"2. A standard procedure should be agreed upon, which should protect the individual teacher against injustice and protect the

administration against the imputation—just, or unjust—of prejudice or arbitrary action. This procedure might be carried out under the direction of a national joint committee, dealing with principles and general policies, with a system of regional sub-committees, composed mainly—but not exclusively—of university teachers which should review evidence and report findings. Actual power would remain as now with the individual boards of trustees, but if the plan was successful, few boards of trustees would act counter to its recommendations.

"The guiding principle of these proposals and the consistent aim in applying them should be essentially prevention rather than mere investigation of facts accomplished. The recognition of larger responsibility of the teaching profession for the standards of its members would be conscientiously met. Teachers of erratic tendencies would be steadied by the existence of such standards and the knowledge that only within certain recognized bounds will their profession protect them. Teachers would be safeguarded by their consciousness of professional membership. The administration disposed to be arbitrary would hesitate to incur the consequences and would take more pains as to its basis for charges of inefficiency. Parochial boards of trustees would find it less easy than now to improvise arbitrary standards. The systematic co-operation of trustees and teachers would be instructive to both. In many cases there would be opportunity for mediatory action of an informal sort which would forestall serious difficulties."

In the report from this Committee last year, attention was called to the fact that one institution has accepted "a gift for the specific purpose of controlling the teaching of the chair thus endowed." This is a matter that should receive the unqualified condemnation of the entire teaching profession. In connection with this question it will be of interest to the members of this Association to see what the President of one of our great universities has to say in his annual report on this subject (President Butler, Columbia, 1919):

"Under no circumstances should, or can, any self-respecting university accept a gift upon conditions which fix or hamper its complete freedom in the control of its own educational policies and activities. To accept a gift on condition that a certain doctrine or theory be taught or be not taught, or on condition that a certain administrative policy be pursued or be not pursued, is to surrender a university's freedom and to strike a blow at what should be its characteristic independence. Indeed, any donor who would venture to attempt to bind a university, either as to the form or the content of its teaching or as to its administrative policies, would be a dangerous person. Unless the public can have full faith in the intellectual

and moral integrity of its universities and complete confidence that they direct and are responsible for their own policies, there can be no proper and helpful relationship between the universities and the public. A university may accept a gift to extend and improve its teaching of history, but it may not accept a gift to put a fixed and definite interpretation, good for all time, upon any facts of history. A university may accept a gift to increase the salaries of its professors, but it may not accept a gift for such purpose on condition that the salaries of professors shall never exceed a stated maximum, or that some professors shall be restricted as others are not in their personal, literary or scientific activities. No university is so poor that it can afford to accept a gift which restricts its independence, and no university is so rich that it would not be impoverished by an addition to its resources which tied the hands of its governing boards." . . .

The acceptance of these fundamental principles is an essential condition for wise administration of our colleges and universities. The trustees and administrative officers should keep these basic ideas in mind when prospective gifts are under consideration. In the language of President Butler, "No university is so poor that it can afford to accept a gift which restricts its independence, and no university is so rich that it would not be impoverished by an addition to its resources which tied the hands of its governing boards." The alternative policy leads surely to the decay of intellectual life. There can be no rational progress for the community unless the inquiry for truth is free, open-minded, and frank.

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PRESIDENT EDWIN R. A. SELIGMAN, 1921.—If, therefore, I take up first our common rights, I wish to be understood as conceiving of these rights not so much in themselves, as opportunities, as rights to perform services through which we may absolve ourselves of our duty. Reserving, then, a consideration of our common duties until a little later, let us begin with our rights.

There are four fundamental rights which our Association has been attempting to emphasize. These are, in turn, security of tenure, liberty of thought and expression, adequate leisure, and reasonable compensation. In each one of these, however, except the last, there is a difference in degree between the college and the university. . . .

It goes without saying that in a certain sense security of tenure is an indefeasible right of all of us. In the economic world of to-day it is coming more and more to be recognized that perhaps the

greatest evil connected with the lot of the workmen is the uncertainty of employment. When each weekly pay envelope may be his last, it is only natural that his interest in the economic process should be limited to the reception of that envelope. But if insecurity of tenure is now recognized by our leading thinkers and foremost captains of industry as the center of the problem of industrial unrest, how much more true is the fact when applied to the gild of teachers. We need security of tenure in order to bring out what is best in us; we need it in order to divert our thoughts from the compensation to the opportunities of our position; we need it in order to give us that peace of mind without which good work is impossible; we need it in order to feel assured that we shall not be exposed to the gusts of caprice and the shifting winds of institutional fortunes; we need it, in short, in order to be really ourselves and not a mere counterfeit or presentment of our better selves.

While this is true of all of us, there are certain differences. In the case of a teacher engaged primarily in directing the work of advanced students and chosen chiefly for his powers of research and his ability to make fresh contributions to knowledge, it is necessary to go to the extreme length in the matter of security of tenure. In a true university the fact that the professor may deteriorate in his constructive powers, or may no longer be able to attract the students who have hitherto thronged to his lectures, cannot be permitted in the least to endanger his position. The time to exercise this scrutiny is at the period of his appointment: if he runs the gauntlet then, it is quite sufficient; for any other course would react disastrously upon the welfare of the group as a whole. It is for this reason that in the universities abroad we find acceptance of the principle: "Once a professor, always a professor." He may stop his research, he may cease his lectures, he may go so far even as to give offense to this or that class: he is still virtually irremovable. The risk in the case of the individual professor is accepted for the sake of the dignity and the standing of the profession as a whole.

It is manifestly difficult, however, to apply the same principle to a teacher whose chief or exclusive employment is the instruction of more or less immature students, especially in the earlier years of our present college course. One engaged in such employment must at any rate be able to teach; and if, for lack of the qualities necessary in that function or for any other reason, he is now incompetent to fill

the position, it is not always easy to decide as to how far he should continue to be imposed upon the students. . . An absolute security of tenure would in such a case be really detrimental to progress.

What we have a right to demand, however, is that even in such cases, whether of moral obliquity or extreme inefficiency, the individual should be protected against injustice, whim, or arbitrariness; that due notice of the proposed action be given; that a properly constituted tribunal of his peers be erected; that he has a right to be heard in his defense; and that the utmost measure of consideration be shown if a severance of the relations ultimately becomes necessary. Even where there is no inviolability of position, the individual must be protected in the demand for a reasonable security of tenure.

Much the same argument applies to the right of liberty of thought and expression. It goes without saying that in an institution which is devoted primarily to widening the horizon of mankind and of broadening the field of knowledge, anything which interferes in even the slightest degree with the liberty of thought and expression is quite inadmissible. We are still so densely ignorant, we are still groping so blindly for the light to illumine the world of thought and action, that even the slightest impediment put upon the freest exercise of our intelligence would be fatal. It would be just as absurd to remove from the laboratory of the chemist or physicist certain vials and instruments which are marked "forbidden" as it would be to put athwart the path of the philosopher obstacles to the fullest fruition of his independent thought. In a world where no one believes what his father has believed, where well-nigh everything is in a state of flux, where political and especially economic institutions are perpetually subject to change, how fatal to human progress would it be if the slightest brake were put on the effort of the human mind to convert the unknown into the known!

But should the teacher of elementary subjects in the opening years of the college enjoy quite the same measure of freedom in his methods and utterances in the class room? Instead of mature students who are eager to hear the last word of striving in human thought and who have the capacity to subject the utterances of the professor to the close criticism of the trained mind, we may be dealing with a group of callow youths whose only interest it is to get a point of view or to receive a nugget of reputed wisdom. Has not, for

instance, the teacher of elementary economics to a class of beginners a different responsibility from the leader of an advanced seminar? Does he not owe a certain respect to the feelings, aye, even to the prejudices, of his entourage? Has he the same right to be cynical or destructive? Must he not observe a certain moderation, at least in expression?

Not a few of the cases of alleged infraction of the liberty of thought which have been presented to our committee on academic freedom have been on this border line of what is or is not allowable. Do we strengthen the legitimacy of the general principle by applying it to doubtful cases? It is, of course, never permissible to subject to a censorship the opinions of even the elementary school-teacher who does not by his teaching or his personality exert an unfortunate influence on his pupils. It is sadly true that in a time like the present, where mankind is being swayed more by emotions than by intellect, and where we, especially in America, have been swept by the passions of war from so many of our ancient moorings, even this principle has not infrequently been violated. It is moreover indispensable that any limitations or regulations designed to affect even the elementary college instructor should be framed, not by the administrative authorities, but by his own associates in the department or his academic colleagues in the country at large. The point that I am seeking to emphasize, however, is that we must not exaggerate, and that if we apply the principle of absolute liberty of thought and expression to cases where it is only in part relevant we jeopardize the maintenance of the principle itself.

Bulletin, February, 1922.